

REFERENCE NO - 20/505662/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and erection of 9no. dwellings associated parking, hardstanding, landscaping and area of ecological enhancement, infrastructure and earthworks and enlarged crossover from the A229 Linton Road.		
ADDRESS Land At 59 Linton Road Loose ME15 0AH		
RECOMMENDATION Grant permission subject to conditions and a £14,750 contribution towards biodiversity net gain in the form of habitat creation (and improvements to access for all) at the adjacent Salts Wood scheme, together with an appropriate monitoring fee. (The application is accompanied by a signed s106 agreement)		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The principle of development is considered to accord with the relevant considerations within both the Local and Neighbourhood Plans, with the latter identifying the site as lying within the 'built' area of the village and providing more detailed guidance on how MBLP Policy SP17 is applied in this particular location.</p> <p>The application has been tested against the more recent Neighbourhood Plan policies relating to potential impacts on the character and appearance of the village and the surrounding countryside and responds positively to those tests, with no adverse impacts upon the character of the village or the wider landscape.</p> <p>As required by Policy the development is of a density that is in keeping with the established housing density in the area. The site is discretely located and whilst the layout of the development is a departure from the traditional pattern in the area, it has no adverse impact upon the character of the village.</p> <p>The layout and design of the scheme will ensure that the amenity of existing neighbours is protected, with, for example, separation distances between dwellings comfortably exceeding standards.</p> <p>Elements of the scheme and the proposed mitigation measures have been enhanced following dialogue with immediate neighbours.</p> <p>There are no adverse ecological or arboriculture impacts and the scheme will secure both on-site and off-site enhancements.</p> <p>The heritage officer is satisfied that there is no adverse impact upon the adjacent conservation area and the landscape officer considers there to be no impact upon the Loose Valley LLV, which is separated from the site by existing built development.</p> <p>Whilst KCC raise no objection on traffic safety grounds, Officers have secured additional improvements to the access to ensure that vehicles and pedestrians / cyclists are able to access / enter the site safely.</p>		
REASON FOR REFERRAL TO COMMITTEE Whilst the application accords with the development plan and neither the Ward nor Parish Councillors had originally called it in, Loose PC subsequently requested that it come before Committee.		
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT / AGENT Esquire Developments
TARGET DECISION DATE 23/12/21		PUBLICITY EXPIRY DATE 05/01/21

RELEVANT PLANNING HISTORY

16/507854/FULL Demolition of existing dwelling and ancillary buildings, erection of 14 dwellings. Refused 21.03.2017

19/506413 Demolition of existing buildings and erection of 9no. dwellings.
(Withdrawn in order to carry out further ecological surveys and to test relevant Neighbourhood Plan policy considerations)

MAIN REPORT

1. BACKGROUND

- 1.01 Application 16/507854/FULL, which was for a materially larger scheme than now proposed, was refused in 2017 on the grounds that it would be harmful to the character and appearance of the countryside. Since the 2017 decision there have been material changes in circumstances, which are addressed in the assessment below. Most notable is the 'adoption' of the Neighbourhood Plan in Autumn 2019, which now identifies the site as lying within a 'built' area of the village. There are also material changes to the setting of the site and its relationship with the wider open countryside.
- 1.02 This application is a re-submission of a withdrawn scheme, but proposes some minor amendments to plots and a fresh review of the following material considerations:
1. Clarity as to the relevant policy framework within the Neighbourhood Plan.
 2. Changes to the site's relationship with open countryside and its future visual setting.
 3. Additional ecological survey / mitigation details.
 4. Further information relating to affordable housing viability.

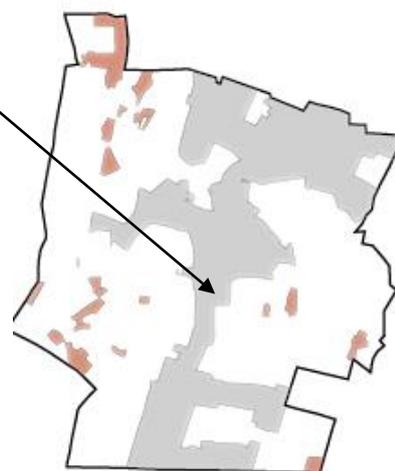
2. DESCRIPTION OF SITE

- 2.01 The application site lies in the village of Loose. Within the 2017 Maidstone Borough Local Plan, there is no defined village boundary. However, the more recent Neighbourhood Plan provides clarity.

"3.5 Built Environment.....Larger tracts of primarily residential development (grey shaded areas) can be found to the north of the parish and along a central spine around the A229 main road."

- 2.02 It should also be noted that the the site is not within the Loose Valley LLV.

- 2.03 The site lies on the A229, 2.5 miles south of Maidstone Town Centre; with Coxheath and Boughton Monchelsea circa 1 mile to the south. Access to the site is via Linton Road, which at this location has a 40mph limit and good visibility. Opposite the site, the western side of Linton Road is open with no facing properties or driveways



to create conflicts. As detailed below, KCC Highways raise no objection to the access on safety grounds, but Officers suggest some improvements to the design.



View North from Proposed Access Point

- 2.04 The western part of the site, fronting Linton Road, comprises an existing single storey dwelling with access to a second parcel of land to the rear via what appears to be a shared access with No.57. It is understood that the roadside section of the existing shared access drive will revert solely to use by No.57 and does not form part of the application site.



**Existing House to be demolished No.59
(Shared access to revert to No.57)**

- 2.05 As illustrated on the following aerial images, the rear land parcel, at the time of the site visit, contained a number of poor quality or semi derelict structures, including a storage building, together with the remaining framework or footings of other structures and a static caravan. In addition, there were a number of abandoned vehicles and other machinery / equipment and areas of uncleared remnants.

2.06 Historical aerial images show the site being used for the storage of materials and vehicles since circa the 1990's.



2015



Rear Plot - Static caravan, derelict storage buildings / structures and numerous abandoned vehicles

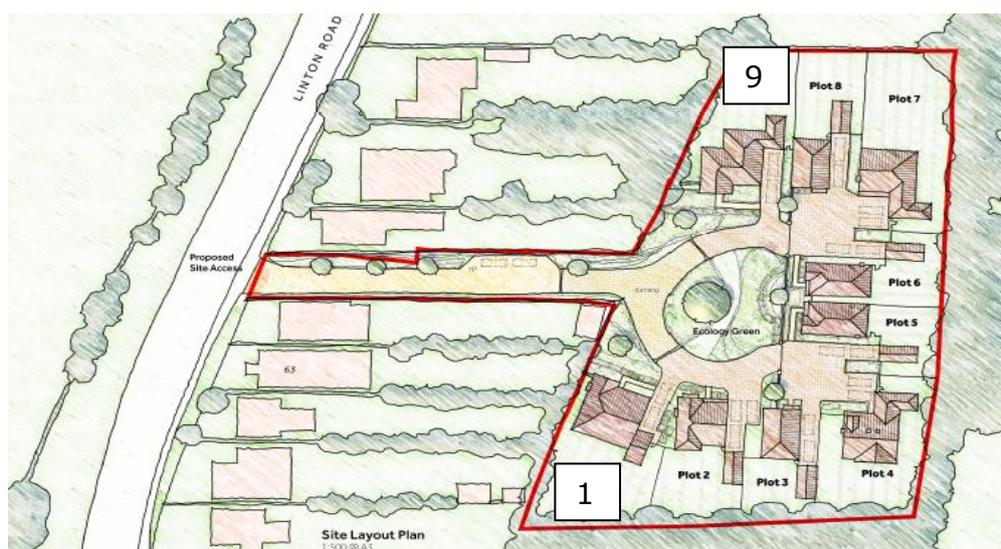


- 2.07 Whilst owned and used by the previous owner of No.59, the land does not appear to have been used as a traditional domestic garden for some considerable time, nor is there planning permission for such use. On this basis it is not part of the residential curtilage of No.59.
- 2.08 The rear land parcel extends along the boundaries of Nos 53 to 69, along which is a mature hedgerow and tree line. Rear gardens to the established Linton Road properties are typically around 35m deep. To the south of the application site, properties are typically single storey, but increase to two stories immediately to the north. The density of the established housing along Linton Road is circa 18dph.
- 2.09 An overgrown area to the south of the application site of circa 0.1ha will be left to 'wild', providing a buffer between the proposed new housing and the 'Salts Wood' new woodland scheme.
- 2.10 To the north the site borders the rear garden of 51 Linton Road, which is considerably deeper than its neighbours, the boundary being marked by a blockwork wall. The Loose Valley Conservation Area lies to the east and north of the site, the boundary of which is drawn to exclude the application site. The boundary between the eastern part of the site and the conservation area is marked by a mature tree line and hedgerow, with no visual or functional interaction.
- 2.11 The southern boundary with the former farmland has historically been more open, with a lower hedgerow separating the application site from what were arable fields. However, a new woodland scheme is now being brought forward by the Boughton Monchelsea Amenity Trust.
- 2.12 The 32 acre *Salts Wood* scheme is being brought forward with support from the Forestry Commission and the Woodland Trust. Circa 20,000 trees are to be planted with the creation of new public footpaths. The Salts Wood scheme materially changes the setting of the application site.
- 2.13 The former open agricultural land will become newly planted woodland, severing the application site from the wider open fields to the south/south east, creating a visually enclosed parcel of land with no historical, functional or visual relationship to the adjacent countryside.
- 2.14 This represents a material change in the setting of the site since the consideration of the previous application/s.
- 2.15 Notwithstanding the site's location outside of the Maidstone Urban Area, as identified in this report, this is considered to be a sustainable location for housing development, subject to satisfying the relevant development plan policies.



3. PROPOSAL

- 3.01 The overall site measures 0.55ha, which comprises an access drive of 0.06ha and a net developable area of 0.49ha.
- 3.02 The proposal involves the erection of 9 new dwellings (but a net gain of 8). The existing dwelling at No.59 is to be demolished to create the access drive. The existing crossover onto Linton Road is to be widened. Visibility splays of 80metres are shown in both directions.
- 3.03 Car parking is shown at circa two spaces (plus garage) for each dwelling. Cycle parking is provided at 1 space per bedroom. Each property will have an EV charging point and either ASHP (the applicant's preferred option) or solar PV.
- 3.04 The 9 new dwellings are set around a landscaped turning head. Plots 1 and 9, which are the closest to existing residential properties, are single storey with hipped roof to further reduce their massing. The separation distances between existing houses and the side elevations of the two new bungalows is circa 48m, which is well above standards. The remaining dwellings are two storeys. All dwellings are detached and designed to avoid overlooking.



- 3.05 Materials and building styles are contextually derived and typically red multi-brick, clay hanging and roof tiles and some weatherboarding.



- 3.06 New landscaping involves native trees within the site with native shrubs along the site access, together with new low level planting. Existing boundary hedgerows will be retained and enhanced with further new native planting.
- 3.07 Within the centre of the site a green amenity area will incorporate new tree and shrub planting as well as wildflower habitat creation, with further pockets of habitat around the margins and access.
- 3.08 Service vehicles will be able to access and exit the site in forward gear.

4. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: SS1, SP17, SP18, SP19, SP20, ID1, DM1, DM3, DM4, DM5 DM6, DM8, DM23, DM30
- Loose Neighbourhood Plan (NP) (2019) LP1, LP3, LP4 DQ1 and DQ2
- Building for Life 12: Maidstone Edition (2018)
- Kent Minerals and Waste Local Plan 2013-30 (as amended)
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Local Plan Review Regulation 19 Draft 2021

5. LOCAL REPRESENTATIONS

- 5.01 Representations received from 9 local residents, which raise the following (summarised) issues:
- risk of increased traffic congestion and blocking of access points
 - safety concerns due to the proximity of the bus stop to the site entrance
 - safety risks due to poor visibility and traffic speeds / levels
 - access of an inadequate width
 - recommend left only exit
 - concerns over capacity of local infrastructure
 - out of character with established bungalows
 - loss of rural character and views
 - loss of habitats / proposed habitats inadequate
 - loss of amenity from noise and fumes
 - loss of privacy
 - risk of precedents
 - approval would be contrary to the previous decisions
 - concerns from the immediate neighbour that adequate access can be achieved without impeding their own access
 - proposed tree planting will impinge on neighbour amenity
 - uncertainty regarding un-determined application.
- 5.02 These points are discussed in the detailed assessment in Section 7 below.

6. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

KCC Highways

- 6.01 The location has good access to bus services. No personal injury records in the previous 3 years. Acceptable sight lines can be achieved. Swept path details are acceptable. Support EV charging provision. Consider that trip generation is *"not expected to have a detrimental impact on the highway"*. Raise no objection subject to conditions requiring; a CMP, provision and retention of parking, cycle provision and EV charging to 7kw.

MBC Environmental Protection

- 6.02 Question whether an acoustic fence can be installed along the site access, if not an acoustic assessment may need to be conditioned. Request EV charging points. External lighting should be controlled by condition.

MBC Heritage

- 6.03 Refer to their comments on the previous scheme; *"Although this proposed development abuts the adjacent conservation area I think the site layout and tree screening will mitigate the impact. I therefore have no reason to raise any objection to the proposals."*

MBC Landscape

- 6.04 Refer to their comments on the previous scheme; *"There are no Tree Preservation Orders protecting trees on, or immediately adjacent to, this site but trees to the east of the boundary are protected by virtue of being located within the Loose Conservation Area. The submitted Arboricultural Report is considered to be acceptable in principle. I therefore raise no objections on arboricultural grounds subject to a condition requiring compliance with the said report."*

KCC Ecology

- 6.05 Consider that adequate ecological information has been submitted, subject to clarification of the reptile receptor site. Recommend conditions to cover: works to be carried out in accordance with the Ecological Impact Assessment (including further enhancement measures) and biodiversity sensitive lighting (note that the reptile relocation strategy has now been carried out to the approval of KCC).

KCC Archaeology

- 6.06 Recommend a condition requiring archaeology investigation works.

Loose Parish Council

- 6.07 Recommend refusal on the following grounds: the scheme is not significantly different to the previous scheme for 14 units; backland development would be out of character; adverse impacts on the conservation area; concerns regarding highway safety due to traffic speeds; loss of amenity to residents adjacent to the access by way of noise, vehicle emissions and lights.

KCC Minerals

- 6.08 No objection

KCC Flood Authority

- 6.09 No comments

7. APPRAISAL

Main Issues

7.01 The key issues for consideration relate to:

- The principle of development
- Landscape and visual impacts
- Highways access
- Arboriculture, ecology and biodiversity
- Heritage considerations
- Residential amenity
- Affordable housing

Principle of Development

7.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is a core principle that the planning system is plan-led. The MBLP 2017 and the Loose Neighbourhood Plan 2019 are the principal Development Plan Documents and in the context of these proposals they are up-to-date and can be afforded significant weight. It should be noted that the Loose NP was not in place at the time of the 2017 determination.

7.03 The National Planning Policy Framework (NPPF) provides the national policy context and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.

7.04 Both the NPPF and the MBLP recognise the importance of housing delivery, with the NPPF further emphasising the role that small sites can make to local housing targets. Windfall sites such as this make a material contribution to the Council's windfall targets and respond to Government initiatives to support the role of SME's in delivering housing on smaller sites.

7.05 Within the Local Plan, the site does not lie within a defined settlement boundary. In effect Loose Village 'as a whole' is within the countryside. However, a material change in the development plan since the 2017 decision relates to the 2019 Loose Neighbourhood Plan, which provides a finer grain of guidance, particularly in respect of guiding development within different character areas. (see also para' 2.01 above).

7.06 Figure 2 of the Loose NP identifies the various character areas that make up the overall 'landscape' of the Parish; identifying, for example, that this includes "built up" areas (shown blue). This character assessment was not in place at the time of the 2017 decision.

7.07 Figure 11 of the NP, which accompanies Policy LP3 identifies those areas that are within / outside the "built areas". This diagram shows the site as lying within the built area (as does Figure 2). It is considered that weight must be afforded to the NP's assessment of the



site's character being 'built', albeit that the 'built' character areas are still within the wider countryside.

7.08 Policy LP3 is not a policy that seeks to resist development per se, but one which guides its acceptability and character. There are two parts to policy LP3. Parts 1&2 respectively guide the "Design of Development" within either the open countryside or the built-up character areas. This test was not available at the time of the 2017 decision.

7.09 It is clear from Figure 11 (above) that LP3 (2) applies to this site. It reads:

LP3 (2) development proposals within the built areas of Loose, as illustrated on figure 11, will have regard to the specific design principles for this area set out in this neighbourhood Plan. In particular, new development proposals and supporting infrastructure should:

- A) provide for high quality design*
- B) ensure new development respects and complements the rural settlement form, pattern, character and its landscape setting*
- C) maintain the relationship between the historic settlement core and the landscape setting through the protection of views and vistas*
- D) use appropriate local materials*
- E) seek to retain existing landscape features*
- F) protect and enhance on-site biodiversity features.*

7.10 Assessing the scheme against these NP policy guidelines:

A. Design quality / D. Materials

The development itself is considered to be of an appropriate quality and layout, using contextual building typologies, detailing and materials, the implementation of which will be managed through planning conditions. The density of the proposed development is in keeping with the density of the established housing on Linton Road.

It is considered that the application accords with the design quality expectations as set out in NP Policy DQ1 and MBLP Policy DM1.

The development has also been assessed against Maidstone's BFL12 and achieves a positive score.

B. Respect and complement the rural settlement form, pattern and character,

The previous assessment afforded weight to the fact that the frontage of Linton Road is linear and principally single storey. In terms of building heights, in street-scene terms the site will not be viewed in the context of Linton Road and the existing buildings are generally closely spaced with no more than glimpses between buildings towards the site. Furthermore, the site's boundary planting screens views into it from Linton Road.

It must also be noted that immediately north of the site access and along its north western boundary, the predominant building height is two storeys. As such the one to two storey heights proposed within the development broadly reflect the range of established building heights in the immediate area.

Within the scheme, the closest buildings to Linton Road are also single storey. The remainder are 1.5 and 2 storeys. The scheme would be visible briefly as people walk past the site entrance. However, the only buildings that are visible would be set 92m back from the site entrance and set behind a new landscape area with trees.

I therefore do not consider that the height of the proposed buildings would adversely affect the character of the area.



In terms of the linear pattern of development, it is again relevant to have regard to Figure 11 of the NP. This illustrates that whilst the pattern of development immediately to the south is broadly linear, the site sits at a transition point where the built area of the village opens out.

Whilst the landscape character assessments identify linear development being a particular characteristic of the wider area, it is not the only form. This section of Linton Road is not identified as a built area that has a positive quality, indeed it is

excluded from the adjacent conservation area. The development would have no material impact on the view of the existing built form along Linton Road nor the settlement pattern of Loose as a whole.

As detailed above, since the previous submissions were assessed, the Salt's Wood scheme is now being brought forward. This has the effect of containing the site, both physically and visually. Indeed, it is noted that in relation to Salts Wood the NP states "This land was purchased in order to prevent development that would cause the coalescence of the built areas of Loose and Boughton Monchelsea." This reinforces the assessment that the site forms part of the built character area and that the land south of the site is intended to perform as a buffer, which in effect contains the application site within the built area of the village.

As such, it is not considered that the development would have a harmful impact upon the character and form of the village, nor its relationship with the surrounding open countryside.

C. Protection of views

NP Policy LP1 seeks to protect identified views. The site sits in the lower mid-ground of View 1, which is a long-distance view southwards, over the valley. This view already includes significant built-up elements and the site is not readily visible within the setting, being screened by existing buildings / trees. Having regard to the adjacency of existing built development and the visual containment of the site, it is not considered that the development would be readily apparent in this view and so would not adversely affect the setting of the village. As such the proposals comply with this element of NP Policies LP1 and LP3.

The site also lies outside the Loose Valley LLV and would not affect its setting, so accords with NP Policy LP2.

Whilst a ProW crosses the field to the east, the established natural screening is extensive and will also be reinforced. The development will not adversely affect the setting of the ProW, from which any glimpses of the site will be set against the gabckdrop of existing development on Loose Road,

E. Retain existing landscape features

The site does not possess any features of landscape interest, with the exception of the boundary hedgerows and trees, which will be retained an enhanced.

F. Protect Biodiversity

Refer to the assessment below

- 7.11 In terms of the Maidstone Borough Local Plan (MBLP), recognising the site's location within the wider countryside, albeit within the 'built up' character area of the NP, MBLP **Policy SP17** is a relevant consideration. As Members will be aware, Policy SP17 is a permissive policy, albeit one that naturally requires caution. It states that new development in the countryside will be permitted where, inter alia:
- it accords with other policies in the Local Plan;
 - it is of a high quality design;
 - it will not result in harm to the character and appearance of the area, and maintains, or where possible, enhances the local distinctiveness of an area;
 - it will protect and enhance any on-site biodiversity features where appropriate, or provide sufficient mitigation measures; and
 - it will respect the amenities of occupiers of neighbouring properties.
- 7.12 Having regard to the wider conclusions in this report, it is considered that the proposals accord with the requirements of policy SP17, in particular, the proposals will not harm the character or appearance of the wider countryside and accord with the local character as defined by the NP. As demonstrated below, there will be no adverse impact upon residential amenity, no loss of habitat and a material contribution to enhancing adjacent habitat creation schemes will be secured. The design is high quality and appropriate to the site's setting.
- 7.13 MBLP policy DM5 states that development on brownfield land will be acceptable subject to a number of criteria.

The site is not of high environmental value

The site currently has no positive impact upon the local landscape or townscape and is in a poor visual condition. Indeed, it is considered that in its present state it detracts from the overall character of the area. With the exception of the mature boundaries, there are no features of environmental interest within the main part of the site.

The density and character of development reflects its surroundings

As identified above, the density of the existing housing on the Linton Road frontage is circa 18 dph. Subject to whether the proposed density is based upon the overall site area including the access or solely the net developable area, the density of the scheme is between 16.4 and 18.4 dph and so is in keeping with local character.

Within the broader countryside, Policy DM5 introduces additional tests:

The site is, or can be made sustainable

As identified above, reflecting the site's location within the built area of the village, it is considered to be a sustainable location, with access to local amenities available without relying upon the car, with no mitigation required.

The proposals will result in significant environmental improvement.

The existing site is in poor condition, with a character of neglect, with dilapidated structures and abandoned vehicles. Benefits arising from the scheme include:

- Enhanced boundary planting and new habitat creation
- Contributions to enhancing the adjacent Salt's Wood scheme

- Returning circa 0.1 ha of 'wild' land to the Salts Wood scheme
- Incorporation of energy efficient building design and use of renewables.
- Encouraging a sustainable pattern of development.

7.14 It is therefore considered that policy DM5 is relevant to the scheme and that the proposals respond positively to it.

Landscape and Visual Impacts

7.15 The impact upon the character of the area has primarily been assessed above.

7.16 As identified, the site is visually enclosed and does not appear within sensitive views. The development will not have a material impact upon the character of Linton Road. It is well screened from surrounding open land. Whilst PROWs pass to the north and east, from the north views towards the site are screened by existing planting and residential curtilages, whilst to the east the existing boundary screen is extensive and the site is viewed against the backdrop of existing housing, such that there will be no material impact upon the setting of the PROWs.

7.17 The Salts Wood scheme to the south is in its early stages. It will incorporate extensive areas of woodland and meadow habitat, introducing new public routes. The woodland will have the impact of creating a visual barrier to the south of the site, in effect enclosing what the NP defines as built area. Together with new boundary planting within the development and the wilding area, it is considered that a robust boundary will be created between built/and natural character areas and their individual roles strengthened.

7.18 It is therefore considered that the proposals accord with MBLP Policies DM3 and SP17, as well as the relevant NP policies addressed above.

Highways and Access

7.19 The policy context is as follows:

NPPF / PPG - Development should be focussed in sustainable locations with access to a range of non-car modes. Safe, appropriate site access arrangements should be secured for both residents and services. Development should only be resisted where impacts are severe

MBLP 17 - Policy DM23 requires adequate parking provision.

7.20 As identified above, this is considered to be, in principle, a sustainable location for new residential development, with a bus stop close the site and access on foot to a range of local services.

7.21 A number of residents raise concerns on highway related matters. The A229 is recognised to be a busy traffic corridor. The nearest road junctions are 70 and 115m from the proposed access, so do not risk causing conflict with movements related the proposed site access. Sight lines of circa 80m in both directions are provided, which KCC confirm is acceptable. Drawings showing vehicle tracking demonstrate that the site access can accommodate service vehicles. In addition, there is a wide central gap between the two traffic lanes that assists vehicles turning into / out of the site.



- 7.22 As reported above, KCC highways raise no objection to the development.
- 7.23 Whilst KCC raise no objection, having reviewed the access, it is considered that modifications are appropriate to ensure that there is no conflict between vehicles entering or exiting the site and therefore reducing any potential safety risks that could arise if, for example, a vehicle turning into the site encounters another vehicle or pedestrian close to the exit. Firstly, the width of the driveway at the entrance point could be widened slightly to be at least 6m for say two vehicle lengths. Secondly, the suggested visitor parking spaces should be annotated as a passing bay to further reduce potential conflicts. Both these measures would ensure that the access can operate more effectively and thus address the concerns raised by some objectors.
- 7.24 The Applicant has agreed to these amendments, which will be secured via a condition.
- 7.25 Bus stops are located close to the site, with a range of services, including two frequent services, Nos 5 and 89, plus 3 school bus services. Local primary and secondary schools fall within recommended walking distances. A PROW to the north connects to a number of recreational footpaths. As such it is considered that the development accords with the principles of para 110 of the NPPF
- 7.26 Parking is provided in accordance with the standards of MBLP Policy DM23, but is not excessive. Plot sizes are such that they can accommodate visitor parking.
- 7.27 It is therefore considered that the proposals comply with the highway safety requirements of the NPPF and MBLP Policy DM23.

Arboriculture, Ecology and Biodiversity

- 7.28 The NPPF aims to protect and enhance biodiversity and where appropriate, secure opportunities for net gain. MBLP Policy DM3 requires development proposals to assess their potential arboricultural and ecological impacts. NP Policy LP4 seeks to protect and enhance the natural environment.
- 7.29 The Environment Act 2021 became law on 9 November 2021. It will introduce a mandatory requirement for new developments to provide a 10% biodiversity net gain. However, this requirement has no legal effect as yet and will be brought into force through further legislation. A notable feature of the Act is that gains must be secured for the long term.
- 7.30 The application is accompanied by both arboricultural and ecological assessments. The former identifies that all grade A and B trees will be retained, with those to be

removed being graded C1, which the assessment suggests offer no significant amenity value.

- 7.31 In response to comments previously made regarding the adequacy of the ecological assessment, the applicant has carried out further surveys and provided an updated ecological impact report. The report, which KCC consider to be robust, notes that:
- The majority of the site comprises modified grassland with dispersed shrubs, with trees mainly sited around the boundaries
 - The eastern boundary comprises a mainly native hedgerow, the retention of which is important in providing future habitat for dormouse and birds
 - There was no evidence of any bat roosts in buildings or trees and the site offers a poor foraging opportunity
 - No evidence of GCN and no nearby habitats
 - No evidence of other protected species
 - No significant impact upon nesting birds
 - A small population of grass snakes was evident.
- 7.32 In terms of responding mitigation measures, the following is recommended / proposed:
- Pre-commencement re-survey and managed demolition / site clearance to minimise the risk of disrupting / harming any species present at the time
 - Protection of the eastern hedge during construction
 - Bat and other species sensitive external lighting
 - Provision of a reptile receptor area within the Applicant's ownership (Members should note that this exercise has now been completed).
- 7.33 Proposed enhancement works include:
- New native tree planting to provide year-round foraging
 - Native hedgerow creation / enhancement of the site boundaries
 - Nectar rich wildflower planting
 - Bird and bat boxes (in addition conditions will require swift and bee bricks)
 - Log piles.
- 7.34 In addition to the above on-site measures, the Applicant has offered a financial contribution to the adjacent Salt's Wood scheme. The contribution, which is supported by The Trust, will be used toward habitat creation and also accessibility improvements to the land, particularly for those with mobility limitations. The sum has been calculated using the guidance provided by the Council's Parks team. This will assist in enhancing new habitat in the immediate vicinity of the site and provide enhanced access for future occupants of the site and the general public to the adjacent amenity / nature conservation area.
- 7.35 It is considered that there are no adverse ecology impacts arising from the scheme, that in advance of the 10% BNG metric becoming law, the new /enhanced habitat creation within the site is proportionate and appropriate and that together with off-site enhancements is appropriate and in accordance with MBLP Policy DM3 and the relevant provisions of the NPPF and NP Policy LP4.

Heritage Considerations

- 7.36 The Loose Valley Conservation Area lies to the north / north east of the site boundaries. There is currently no CA character assessment or management plan.
- 7.37 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. MBLP Policy DM4 and NP Policy DQ2 seek to protect the setting of heritage assets.
- 7.38 The adjacent areas covered by the CA designation include dwellings and other buildings of a much earlier period, plus open spaces that have a clear visual/physical relationship to the river valley. In contrast, the application site sits adjacent to more contemporary housing and is of no merit in landscape terms. It is well screened from the conservation area, such that the proposed development, with the benefit of enhanced landscaping will not affect its setting. The heritage officer raises no objection.

Residential Amenity

- 7.39 Policy DM1 of the MBLP requires development to respect the amenity of neighbours by way of, for example, overlooking, loss of natural light, light pollution or noise.
- 7.40 As identified in section 2 above, the rear gardens to properties in Linton Road are relatively long, resulting in a separation distance between existing and the closest of the proposed properties being in excess of twice the recommended minimum distances. In addition the closest proposed dwellings would be single storey and side-on to the neighbours thus avoiding principal windows facing existing gardens.
- 7.41 With the existing mature hedge and the scope for additional planting it is considered that there would be no harmful overlooking. The rearmost part of the garden to No.51 does extend along the northern boundary of the site. Plots 7, 8 and 9 have rear boundaries abutting the garden of No.51. No.9 is a bungalow so would not result in direct overlooking, whilst plots 7 and 8 have garden depths of circa 18m. However, it is not considered that the rear-to-rear garden boundary relationship would result in an unacceptable loss of amenity.
- 7.42 Having regard to the separation between existing and proposed properties, it is not considered that there would be an unacceptable impact upon natural light levels. Some representations refer to the potential for new boundary planting, if too tall, resulting in a loss of light, but this can be managed through the approval of details pursuant to conditions.
- 7.43 The EHO considers that light pollution from new artificial lighting could impact on neighbouring properties if not well designed. A condition will require details of lighting along the driveway, with an emphasis upon low level, motion triggered lighting; plus limitations on external lighting facing towards existing properties and Salts Wood.
- 7.44 The activity associated with the proposed access driveway has the potential to cause noise along the boundaries of Nos.57 and 61. The EHO does not raise an objection on these grounds, but recommends acoustic fencing (preferably a solid wall) be provided for the access route. This will principally be focussed on the rear garden areas as the front of the properties are adjacent to Linton Road where there are already active traffic conditions and associated noise levels and where adequate sight lines need to be created.
- 7.45 Under Policy DM1 it is also relevant to assess whether future residents of the development will receive acceptable levels of amenity. For the reasons stated

above, they will not be overlooked by existing neighbours. Proposed houses are arranged such that they will not overlook each other or their rear gardens. The buildings and gardens are designed to ensure good levels of natural light. It is therefore considered that the proposed dwellings comply with MBLP DM1 in respect of amenity considerations.

Affordable Housing

- 7.46 Policy SP20 of the LP seeks the provision of affordable housing on sites of 11 units or more and is therefore not triggered as the application proposes a net gain of only 8 units. However, the NPPF adopts a different approach. Para 64 of the NPPF states:

Provision of affordable housing should not be sought for residential developments that are not major developments...

- 7.47 The glossary to the NPPF defines major development as "development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more." This definition is inconsistent with that in both the new Environment Act and the GDPO, which only apply the 0.5ha threshold if the number of units is not known or the total is effectively 10 or more units
- 7.48 As identified above, the red line area is stated to be 0.55ha, which comprises an access route of 0.06ha and a net developable area of 0.49ha. The Applicant makes the case that the NPPF threshold should be taken as the net developable area.
- 7.49 In practical terms, for calculating net densities, whilst site areas are measured excluding say major distributor roads, they would include internal access/circulation roads. In the case of this application, the site access only serves the development and so it is included within the net site area, this is despite the fact that it offers no development potential, indeed involves the loss of a dwelling.
- 7.50 The Applicant was therefore asked to demonstrate whether the development could deliver affordable housing.
- 7.51 It should be noted that whilst the site area is slightly over the NPPF threshold, this does not automatically suggest that the site has the capacity to accommodate a level of development or profit that can sustain affordable housing.
- 7.52 The applicant highlights that there is a negative cost associated with the acquisition of No.59 at (or above) market value, but then its subsequent demolition. The applicant has provided what is considered to be a realistic/optimistic GDV for the completed development without affordable housing, together with development costs information. Following land and build costs, professional fees, finance and tax, plus CIL/s106 charges, this shows a profit level of 15.9% on GDV, which is below the typical target of 20%. At this marginal level of profitability, the scheme would be unable to sustain either on-site affordable housing or a commuted payment. This is to be expected for a small net-8 unit scheme.
- 7.53 In terms of housing mix, the scheme provides both single storey and two-storey dwellings. The former would be particularly suited to elderly households or those with mobility restrictions. Whilst there are no 1 or 2 bedroom units within the scheme, having regard to the small size of the development and the character of the site, it is not considered that flatted units would be appropriate. It is therefore considered that the scheme provides a reasonable response to MBLP Policy SP19.

Other Matters

- 7.54 The site is not within an area of flood risk.
- 7.55 In terms of climate change matters, each dwelling will be provided with EV charging and a condition is proposed seeking the provision of either ASHP (the developer's preferred option) or solar PV.
- 7.56 With regard to minerals safeguarding, the site is too small for viable extraction, with no appropriate access for large vehicles. No objection is raised by KCC
- 7.57 In terms of open space, Policy DM19 would require 200 sq.m of green amenity space / play area and 0.14ha of semi/natural space. In response the scheme proposes a central landscaped area of circa 350 sq.m and thus exceeds to requirements. The semi/natural requirements of DM19 are clearly unrealistic on such a small site and like sports or allotments would normally be addressed through CIL. However, the scheme incorporates some areas of semi/natural planting and also enables the wilding of the adjacent 0.1 ha plot. The proposed contribution towards improvements to the new woodland mitigates the semi/natural open space requirement on-site by supporting the enhancement of publicly accessible natural open space immediately adjacent to the site and this outweighs any on-site shortfall.
- 7.58 As such, as a material public benefit, some weight is afforded to the financial contribution, but in the context of the scheme as a whole, it is not relied upon in concluding that the development is acceptable.
- 7.59 The illustrative plans suggest that the central amenity area within the scheme would contain broad canopy trees, underplanted with shrubs and meadow flower planting. This would provide an ecological benefit, but it is considered that as the semi-natural requirements are in-part mitigated off-site, this area should also contain a space where, residents can, for example, gather and engage - as encouraged in BfL12. This will be secured under the future landscape scheme by condition. In addition, the character of the shared surface cul-de-sacs offer the opportunity for safe, supervised play to supplement the private gardens.
- 7.60 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 7.61 As a wholly private development, subject to any deductions for the existing building it is estimated that the development will yield circa £87,500 – 95,000 in CIL payments, with 25% going to the Parish Council as there is a NP in place.
- 7.62 At the time of writing this report, the Regulation 19 draft Local Plan is out for consultation. Whilst the draft plan is a material consideration, at this stage of the process very limited weight is attached to the draft plan; nor does the plan contain any draft policies that would necessarily lead to a different conclusion on this application.

Public Sector Equality Duty

- 7.63 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

8. CONCLUSION

- 8.01 The proposals is considered to represent sustainable development and is of a high quality design. The proposals accord with the relevant Local and Neighbourhood Plan policies. There are no adverse environmental or neighbour impacts.
- 8.02 All matters raised by statutory consultees have been addressed.

9. RECOMMENDATION

- 9.01 GRANT planning permission subject to the following heads of terms and conditions:

9.02 Heads of Terms:

- Payment of £14,750 to the Boughton Monchelsea Amenity Trust (via Boughton Monchelsea Parish Council or MBC) to be used solely towards habitat and/or accessibility for all improvements to wider the 'Salts Wood' woodland creation scheme.
- A s106 monitoring fee of £500

9.03 Conditions:

Time Limit

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/reports:

Site Location Plan 23317A / 01
Existing Block Plan 23317A / 02
Existing Site Section A-A B-B C-C 23317A / 03
Existing Building Plans and Elevations 23317 / 04
Proposed Site Plan 23317A / 10 Rev A
Proposed Street Elevations A-A B-B C-C 23317A / 30
Refuse Collection Plan 23317A / 15 Rev A
Fire Fighting Plan 23317A / 16 Rev A
Proposed Plans and Elevations Plot 1 23317A / 20
Proposed Plans and Elevations Plot 2 23317A / 21
Proposed Plans and Elevations Plot 3 & 8 23317A / 22 Rev A
Proposed Plans and Elevations Plot 4 23317A / 23 Rev A
Proposed Plans and Elevations Plot 5 & 6 23317A / 24 Rev B
Proposed Plans and Elevations Plot 7 23317A / 25 Rev B
Proposed Plans and Elevations Plot 9 23317A / 26 Rev A
Garage Drawing 23317A / 27
Proposed Crossover Access Drawing 14108 H-01 P1
Landscape Strategy 0269/19/B/20B
Ecological Impact Assessment Native Ecology
Transport Statement - DHA Transport
Drainage Strategy - Infrastructure Design Ltd

Arboricultural Assessment - GRS Arboricultural
Phase 1 Desk Study and Site Reconnaissance Report - Leap Environmental

Reason: To clarify which plans and technical / environmental details have been approved.

Unknown Contamination

3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

Material Samples

4) The construction of the dwellings shall not commence above slab level until written details and virtual samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

Renewable Energy

5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. Measures shall include:

(i) EV charging points to each dwelling

(ii) The provision of either ASHP solar PV to each dwelling.

The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

Landscaping & Biodiversity

6) The works shall not commence above slab/podium level until details of both hard and soft landscape works have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation

The soft planting scheme shall and shall accord with the principles set out within the approved 'Landscape Strategy' Plan 0269/19/B/20B and demonstrate that the use of native planting is utilised in a manner that optimises wildlife habitat opportunities and identify management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens.

All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season (October to February) following first use or occupation. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

7) The development hereby approved shall not commence above slab level until details for a scheme for the fabric-led enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles set out within the submitted Ecological Impact Assessment and consist of the enhancement of biodiversity through integrated methods into the design and appearance of the buildings including swift bricks, bat tube or bricks, measures to accommodate solitary bees and hedgehog friendly boundaries. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

Boundary Treatments / Acoustic Protection

8) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. Such details shall include an acoustic fence / wall between access route and neighbouring properties.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

Tree Protection

9) The tree protection measures identified in the submitted Arboricultural Assessment and method statement prepared by GRS Arboricultural shall be

implemented prior to the commencement of any works on site, including works of demolition. . All trees to be retained must be protected by barriers and/or ground protection in accordance with the approved details. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

Access

10) Notwithstanding drawing 14108 H-01 P1, prior to the commencement of development, details shall be submitted to and approved by the LPA, to show an optimised access width of circa 6metres extending no less than 12m from the back edge of pavement. Such details shall also include a signed passing bay within the access route.

The approved details of the access point to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: To provide enhanced opportunity for vehicles to pass within the access route and in the interests of highway safety.

Parking/Turning Implementation

11) The approved details of the vehicle parking/turning areas shall be completed before the first occupation of the buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access thereto.

Reason: In the interests of road safety.

PD Rights

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) B or C shall be carried out on any west facing roofs of Plots 1 and 9 without the permission of the local planning authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

Drainage

13) Any part of the development hereby approved shall not be occupied prior to the completion of the relevant part of the drainage scheme set out within the

approved Foul & Surface Water Drainage Strategy - IDL/994/01 - Issue 2 - 20th November 2020

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

External Lighting

14) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The scheme shall also employ wildlife friendly lighting. Any illumination of the access route shall be low level only. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of visual amenity

15) Archaeological Written Specification

No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the local planning authority;

Reason: To enable the recording of any items of historical or archaeological interest.

16) Construction Traffic Management Plan

The development hereby approved shall not commence until a construction traffic management plan has been submitted to and approved by the local planning authority. The CTMP shall include measures to: ensure safe access/egress for construction traffic; protect the safety of pedestrians and cyclists; avoid conflict with the adjacent bus stop; manage and mitigate the impact of vehicles accessing the site upon neighbouring amenity.

Reason: To protect the safety of pedestrians and road users and to protect the amenity of neighbours.

Informative

- 1 Landscaping details to be provided under 6 shall include low level planting adjacent to the site boundaries with No.57, in order to preserve existing levels of natural light.
- 2 The preferred acoustic boundary treatment sought under condition 8 is for a solid wall construction extending adjacent to the side boundaries of Nos. 57 and 61.

Case Officer: Austin Mackie

This report has been reviewed by Rob Jarman Head of Planning